

LIVINGSTONE WINS HIS CASE AGAINST CITY

AGAINST CITY

Agreement in 1914 Between City and Ad Club Declared Null

clared Null

**JUSTICE IVES HANDS
DOWN HIS DECISION**

City Must Pay Costs of Plaintiff and Defendant Company

judgment declaring void the agreement between the city of Edmonton and the Edmonton Industrial Association Drilling Company, Ltd., was handed down by Justice Ives in Supreme Court yesterday. This is the agreement arranged by ex-Mayor McNamara in connection with proposed development of the city's industrial area.

In this case the plaintiff, Alex. Livstone, sued for a declaration that agreement between the city and Ad Club, dated August 18th, 1914, whereby the city agreed to take over gas well and pay costs thereof provided a certain quantity of gas was found at Viking, be nullified on ground that the agreement was authorized by council, and the plaintiff asked for an order restraining

the city from paying any money in the city funds or doing any act under the agreement. The funds on which he based his action that the resolution of council, on the date of April 28th, 1914, only authorized an agreement with the Ad, an unincorporated body, and that the agreement in question was entered into with an incorporated company which was not in existence

The time of the resolution, the agreement gave the council the option to take over the well if gas was not in quantities satisfactory to the council, while it set forth a standard which, if attained, bound the council to take over the well. It was also stated that the agreement incurred indebtedness not payable out of the current year's revenue, and that this provision was illegal unless incurred in by a majority of the council.

and be dismissed on the following grounds: 1st—That the action should have been brought in the name of the attorney-general; 2nd—That the provisions of section 518 of the city charter had not been complied with; and the action was premature. In the judgment his lordship held that the plaintiff had a right to bring the action, and further that the accident did not question the legality of the resolution, but was brought to set aside the agreement on the ground of fraud and on the ground that it

not authorized by the resolution, would appear to me obviously," his lordship, "on comparing the resolution of April with the agreement of August that the resolution not be urged as sufficient authority for the terms of the agreement, in the first place, the resolution referred only to the Ad Club, while the

ment is with a different person, that person a limited liability company. It would require a lengthy act of imagination to read into resolution any such terms as are aimed in paragraphs of the agreement."

After dealing at length with the terms of the commission's decision, the courtship finds that the plaintiff is entitled to a declaration and the re-

Macloed Sinclair for the plain-
J. F. C. Bown, K.C., for the city.
G. B. O'Connor, K.C., for the Ad

K GUARDS FOR MUNITION WORK

**Arrests Made in Connection
With Dynamite Outrage at
Walkerville**

Bulletin-Leased Wire
INDSOR, Ont., June 21.—Up to
te hour tonight no arrests have

made in connection with the
total destruction of the Peabody
mine at Walkerville, and the at-
tempted blowing up of the Windsor
mine early this morning, although
authorities are watching a local
man, who it is said, asked for a ride
to Walkerville to Windsor shortly
before the explosion at the Peabody
mine. This individual it is claim-

... This individual, it is charged, was carrying a grip at the time. He was working on war munitions, making for special military guards. Extra soldiers have been placed at many points. A movement has started to force official registration of all German citizens of Windward. Col. McCrimmon, of the division headquarters at London.

sent word today that he would
here tomorrow to conduct an in-
igation into the armories incident.
The outrages have served to great-
stimulate recruiting at this point,
e being twenty enlistments this
noon alone, which is a larger
ber than for any three successive
ince the outbreak of the war.

DIED FROM HORSE KICK.
PRINCE ALBERT, Sask., June 21.
 Hunter, a homesteader of Aling-
 6 years of age, was kicked in the
 back by a horse on Saturday morn-
 ing and as a result died about twen-
 ty minutes after at his home, twenty
 miles north of the Saskatchew

17

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ZAM-BUK

GIVES QUICK RELIEF

Public Funeral For Warneford

Body of Heroic Aviator Will be Sent to England to be Interred.

Paris, June 21.—Arrangements for the funeral service for Lieutenant A. J. Warneford, of the British army, who fell on June 19, and Henry B. Needham, the American aviator who was killed in an aeroplane accident last Thursday, have been cancelled, and the bodies have been brought to Paris. Warneford's body has been placed in the mortuary chapel, and the American Church of the Holy Trinity, adjoining a cemetery, is to be used for the funeral service. Warneford's body will be sent to England, where it will be interred in the family vault of his father, a hero of the Boer war, and a member of the British Legion. Warneford's body will be sent to England, where it will be interred in the family vault of his father, a hero of the Boer war, and a member of the British Legion.

ALSAIAN GIVEN DEATH SENTENCE

Soldier Who Deserted from the German Army and Fought for French Court Martialled.

Amsterdam, June 21.—An Alsatian named Gracioso, who has been sentenced to death by a French court martial, was yesterday sentenced to death by a French court martial. Gracioso was a soldier in the German army, and he was sentenced to death for deserting from the German army and fighting for the French. Gracioso was a soldier in the German army, and he was sentenced to death for deserting from the German army and fighting for the French.

Monday, June 21, Longest of Year

Sun Rose at 3:44 and Set Again Last Night at 8:18

Yesterday, June 21, was longest day in the year and the day of longest day in the year. The sun rose at 3:44 and set at 8:18. The day was the longest of the year.

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Is still the favorite IT IS SUPERIOR

SEAL BRAND COFFEE

Is still the favorite IT IS SUPERIOR

At "The Bay"—Summer and Vacation Needs in Splendid Selections

Remember, this store closes Wednesday at one o'clock

We'll Sell Millinery Values to \$7.50 Tuesday at .50c

Prices hardly possible that such a small price should be placed upon a big lot of smartly trimmed hats for women. They consist of large and small styles; Sailors in black and white check, splendid for outing wear. Dressy little hats, flower trimmed and ribbon bows. All colors. Values as high as \$7.50. RUSH PRICE TUESDAY.

A Vast Gathering of Charming Summer Wash Goods, Values to 45c Yard, TUESDAY

SPECIAL PURCHASE OF A VARIED STOCK OF WASH GOODS WHICH ARE perfect in weave and include the very newest New York fabrics, such as White Crepe with colored stripes; in Saxe, grey, mauve, green, sky, black, also floral effects over black stripes, as well as plain goods with small dainty check. Widths 27 to 36 inches. Values to 45c per yard. SPECIAL TO CLEAR TUESDAY. (SEE WINDOW)

This Week A Demonstration of "Royal Vinolia" Made in Canada Toilet Goods

Main Floor—Centre Aisle
—Tooth Paste, Powders, Soap
—Face Powder
—Tooth Paste, Powders, Soap
—Hair Shampoo, Brilliantine
—Shaving Powder and Soap
—Toilet Soap
—Exquisite Perfumes

Again the Hardware Store Offers Tuesday Values Above the Ordinary!

ELECTRIC CHANDLIER MADES, white regular 25c, Special, each 25c
HOTSPOT IRON, 25c
CANADIAN BEAVER Electric Iron, 25c
while they last.

Travel Goods

THINK, good strong heavy, strap and clasp, 24-inch, \$9.75
FIBRE TRUNK with straps, \$12.50
FIBRE TRUNK without straps, \$10.00
MATTING, 24-inch, \$2.25
LADIES' WICKER BAG, with straps, \$1.00
LEATHER COLD HOLDER, 10c
SUITCASE, good, substantial, with clasp and lock, \$1.50

Tuesday Visitors to the China Store May Benefit by These Prices

CUPS AND SAUCERS—Plain, white, Kermis shape, 10c
CUPS AND SAUCERS—Floral pattern, 15c
BOWLS, 15c
TEA SETS, 10c
JAPANESE CUPS AND SAUCERS, 10c
DINNER SETS, 15c
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ALIEN ENEMY FINED \$300 OR THREE MONTHS

Magistrate Primrose Gives Decision in the Case of Fred Wendling

For nine years and that he had been a member of an American regiment in the Spanish-American war. He was accused of being an alien enemy. The magistrate fined him \$300 or three months in prison. The case was heard in the magistrate's court.

Advance Notice!

Ladies' Hair Shampoo Wednesday Morning .35c

A SPECIAL OFFER FOR LADIES DESIRING hair work. On Wednesday morning from 8:30 to 1 o'clock our Beauty Parlors—Fourth Floor—will be open to ladies wishing Hair Shampoo. The very special price for this service on this occasion has been placed at 35c, which is much below the regular charge. Several regular experienced attendants in charge. Kindly call or phone and make your appointments early. Please the Beauty Parlors, Fourth Floor. Also, on Wednesday morning, there will be a demonstration of Made Hair Work.

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Made with good solid soles and that have been such great demand at the present time, we have made a big purchase of same and are offering them at special prices.

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Another Line at 98c

Made from soft white cotton, cut full, draw tape at top. Finest of embroidery or wide border lace and insertion. These both have dust frill and will prove very satisfactory if tried.

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